



Post Office Act 1953

1953 CHAPTER 36

Conveyance of mail bags by railway undertakers

33 Power to require provision of regular mail trains

- (1) The Postmaster-General may by notice in writing require any railway undertakers, as from the day specified in the notice (being not less than twenty-eight days from the service thereof), to convey either by ordinary trains or, if necessary, by special trains, at such times as the Postmaster-General may direct, all mail bags tendered to the undertakers, together with any officers of the Post Office accompanying those mail bags.
- (2) Any railway undertakers on whom any such notice is served shall, as from the day specified therein, provide at their own cost such vehicles attached to ordinary trains, or, as the case may be, such special trains, as may be sufficient for the conveyance of mail bags to the satisfaction of the Postmaster-General (in this Act referred to as "regular mail trains") and shall in all respects comply with the notice, and shall receive, take up, deliver and leave any such mail bags and officers of the Post Office as aforesaid at such places on the railway, on such days, at such times in the day, and subject to all such reasonable requirements and restrictions as to speed of travelling, places, times and duration of stoppages, and times of arrival, as the Postmaster-General may from time to time direct.
- (3) The rate of speed of any regular mail train shall not be altered unless six months' notice of the intended alteration has been given to the Postmaster-General.
- (4) Notwithstanding anything in the two last foregoing subsections, a regular mail train shall not be required to travel at any time on any part of a railway at a speed in excess of the maximum speed for the time being prescribed by the railway undertakers for the safe running of trains on that part of the railway.

34 Additional provisions as to regular mail train services

- (1) The Postmaster-General may, if he thinks fit, in relation to any regular mail train—

Status: This is the original version (as it was originally enacted).

- (a) require that the whole of the inside of any vehicle used for the conveyance of mail bags shall be exclusively appropriated for that purpose ;
 - (b) where the train is a special train, require by notice in writing that the whole of the train shall be appropriated to the service of the Post Office to the exclusion of all other traffic except such as he may sanction.
- (2) The Postmaster-General may require any railway undertakers to provide and equip separate vehicles fitted up as the Postmaster-General may direct for the purpose of sorting postal packets therein (in this Act referred to as " sorting carriages"), and the railway undertakers shall attach sorting carriages to such regular mail trains as the Postmaster-General may direct.
- (3) Where the Postmaster-General desires to send mail bags, together with any officers of the Post Office accompanying them, by any railway in Her Majesty's vehicles instead of in vehicles provided by the railway undertakers, the railway undertakers shall, at the request of the Postmaster-General, cause those vehicles, together with any officers of the Post Office and mail bags carried therein, to be conveyed by the usual or proper trucks or frames on their railway.
- (4) The royal arms shall be painted on the outside of every sorting carriage instead of any other marking prescribed by law in respect of railway vehicles; but the want of the royal arms on any vehicle belonging to or used by the Post Office shall not form an objection to the running of that vehicle on any railway.
- (5) For the greater security of mail bags conveyed by regular mail trains, the railway undertakers shall comply with such reasonable directions respecting the conveyance, delivery and leaving of mail bags and officers of the Post Office accompanying them and vehicles used for the conveyance thereof as the Postmaster-General may from time to time give, and the undertakers shall be responsible for any failure on the part of their officers or servants to comply with any such directions:

Provided that no officer of the Post Office shall interfere with or give orders to an engine driver or other person having charge of a railway engine, but if any cause of complaint arises it shall be stated to the officer of the railway undertakers having charge of the train or to the chief officer of the undertakers on duty at any station upon the railway.

35 Remuneration for regular mail train services

Railway undertakers shall be entitled to be paid by the Postmaster-General such reasonable remuneration for any regular mail train services performed by them under this Act as may be agreed between the Postmaster-General and the undertakers or, in default of agreement, as may be determined by the Transport Tribunal:

Provided that the performance of any such services shall not be suspended, postponed or deferred by reason only that the remuneration to be paid for the services has not been either agreed or determined as aforesaid.

36 Alteration of regular mail train services

- (1) Notwithstanding any agreement or award as to the remuneration to be paid by the Postmaster-General to any railway undertakers for any regular mail train services performed by them, the Postmaster-General may, by notice in writing—

- (a) require the undertakers, as from the day specified in the notice (being not less than twenty-eight days from the service thereof), to render such additional services as may be specified therein ; or
 - (b) direct that, as from the day specified in the notice, those services or such part thereof as may be so specified shall be discontinued.
- (2) As from the day specified in any such notice, any agreement or award as to remuneration for the regular mail train services provided by the railway undertakers shall cease to have effect, and the remuneration to be paid for any such services performed on or after that day as increased or reduced by such a requirement or direction as aforesaid shall be such as may be fixed by a new agreement between the Postmaster-General and the undertakers or, in default of agreement, as may be determined by the Transport Tribunal:

Provided that the provision of any services as so increased or reduced shall not be suspended, postponed or deferred by reason only that the remuneration to be paid therefor has not been either agreed or determined as aforesaid.

- (3) Where any dispute as to remuneration is referred to the Transport Tribunal under the last foregoing subsection, that tribunal may award any compensation they consider reasonable to be paid to the railway undertakers for any loss that may be occasioned to the undertakers by the alteration or discontinuance of the services previously performed by them by means of any train or vehicle specially required by the Postmaster-General to be forwarded for the conveyance of mail bags.
- (4) Where the day specified in any notice given under this section for the discontinuance in whole or in part of any regular mail train services is less than six months from the service of the notice, then, if the services are directed to be discontinued without cause stated or for any stated cause other than the default of the undertakers in the performance of any of the services required of them by the Postmaster-General or the breach by the undertakers of any agreement with the Postmaster-General, the Postmaster-General shall pay to the undertakers such full and fair compensation for all loss occasioned by the discontinuance as may be agreed between the Postmaster-General and the undertakers or, in default of agreement, as may be determined by the Transport Tribunal.

37 Review of agreements and awards as to regular mail train services

Where any agreement or award fixing the amount of remuneration to be paid to any railway undertakers for regular mail train services performed by them has been in force for a period of three years, the undertakers may, if they consider themselves aggrieved by the terms fixed by the agreement or award, by notice under their common seal require that the agreement or award shall be referred to the Transport Tribunal in order that it may be determined whether any and if so what alteration ought to be made therein:

Provided that the provision of any regular mail train services shall not be interrupted or impeded by reason of any such reference to the Transport Tribunal.

38 Conveyance of mail bags by railway otherwise than as part of regular mail train services

- (1) Railway undertakers shall, whether or not any notice requiring the provision of regular mail trains has been given to them by the Postmaster-General under this Act, convey

by any train all mail bags tendered to them for conveyance by that train, whether or not those mail bags are accompanied by an officer of the Post Office, and shall afford all reasonable facilities for the receipt and delivery of mail bags at any of their stations without requiring them to be booked or interposing any other delay, and where the mail bags are accompanied by an officer of the Post Office shall permit that officer to receive and deliver them at any station and render him such assistance as he may require.

- (2) Railway undertakers shall be entitled to be paid by the Postmaster-General such reasonable remuneration for any services performed by them under the foregoing subsection as may be agreed between the Postmaster-General and the undertakers or, in default of agreement, as may be determined by the Transport Tribunal.
- (3) The Postmaster-General may send any officer of the Post Office with mail bags not exceeding the weight of luggage allowed to any other passenger (or subject to the general rules of the railway undertakers for any excess of that weight) by any passenger train upon the same conditions as any other passenger ; and in that case the undertakers shall not be responsible for the safe custody or delivery of the mail bags.

39 Bye-laws, etc. of railway undertakers

Railway undertakers shall not make any bye-laws, orders, rules or regulations, which militate against or are contrary or repugnant to any of the provisions of this Act relating to the conveyance of mails by railway, and if any railway undertakers make any such bye-laws, orders, rules or regulations, whether before or after the Postmaster-General has signified his intention that mail bags or vehicles, for their carriage shall be conveyed by their railway, the bye-laws, orders, rules or regulations shall, so far as they militate against or are contrary or repugnant to any of the said provisions, be void.

40 Service of notices on railway undertakers

Any notice authorised to be served by the Postmaster-General on railway undertakers under this Act may be served either—

- (a) by delivering it to any director of the railway undertaking or to the secretary or clerk thereof or, in the case of the British Transport Commission, to such person as the Commission may have appointed in that behalf or, in default of any such appointment, to the secretary thereof; or
- (b) by leaving it at any station belonging to the undertakers.

41 Offences relating to conveyance of mails by railway

If any railway undertakers—

- (a) refuse or neglect to convey any mail bags tendered to them for that purpose by any officer of the Post Office ;
- (b) refuse to convey on their railway any sorting carriage or other vehicle when required so to do by the Postmaster-General under the provisions of this Act;
- (c) refuse or neglect to receive, take up, deliver or leave any mail bags, officers of the Post Office, sorting carriages or other vehicles at such places, at such times, on such days, and subject to such reasonable requirements and restrictions as to speed of travelling, places, times, and duration of stoppages, as the Postmaster-General may direct; or

- (d) fail to observe such directions respecting the conveyance of mail bags, sorting carriages and other vehicles on - their railway as the Postmaster-General may give,

the undertakers shall be liable on summary conviction to a fine not exceeding twenty pounds.

42 Conveyance of mail bags on ships used by railway undertakers

Where railway undertakers—

- (a) own or work; or
- (b) are parties to any arrangement for using, maintaining or working,

any mechanically-propelled ship for the purpose of carrying on communications between any towns or ports, whether situated in the British postal area or not, the provisions of this Act relating to the conveyance by railway of mail bags and any officers of the Post Office accompanying them shall, subject to the necessary modifications, extend to the conveyance of mail bags and any such officers by that ship:

Provided that, without prejudice to section twenty-nine of this Act, paragraph (b) of this section shall not apply in relation to the conveyance of parcels.

43 Extension of meaning of expression " railway "

- (1) For the purposes of this Act the expression " railway" includes any tramroad or tramway authorised by any enactment passed after the first day of January, eighteen hundred and ninety-three which is not a tramway within the meaning of the next following section.
- (2) A tramroad or tramway shall be deemed to be authorised as aforesaid if its construction was first authorised or the time for its construction was extended by an enactment passed after the date aforesaid.
- (3) In this section the expression " enactment" includes any order confirmed by an Act of Parliament and a certificate granted under the Railways Construction Facilities Act, 1864.